

TIMOTHY F. MALLOY  
PROFESSOR OF LAW

SCHOOL OF LAW  
BOX 951476  
LOS ANGELES, CALIFORNIA 90095-1476  
Phone: (310) 794-5278  
Email: Malloy@law.ucla.edu

December 5, 2019

National Freedom of Information Act Office  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW (2310A)  
Washington, DC 20460

Re: Freedom of Information Act Request regarding TSCA Section 5(a)(3)(C)  
Determination for Microbial Commercial Activity Notices J-16-0011 through 16

Dear Sir or Madam:

I am writing to request copies of agency records relating to TSCA Section 5(a)(3)(C) Determination for Microbial Commercial Activity Notices J-16-0011, J-16-0012, J-16-0013, J-16-0014, J-16-0015, and J-16-0016. I am a professor at the UCLA School of Law engaged in research regarding risk analysis and its relationship to the production of genetically engineered biofuels. UCLA is a public university of California recognized as a section 501(c) (3) organization by the Internal Revenue Service. This request is made for a scholarly or scientific purpose and not for a commercial use.

I request that EPA provide access to and copies of any and all agency records relating to the Microbial Commercial Activity Notices J-16-0011, J-16-0012, J-16-0013, J-16-0014, J-16-0015, and J-16-0016 including, without limitation:

- (1) the MCAN form and attachments,
- (2) any documents or other records submitted by or on behalf of the entity submitting the MCAN,
- (3) any evaluations, profiles, memoranda, notes or other records generated or reviewed by EPA staff, managers or contractors with respect to the MCAN review and decision (including but not limited to, any risk assessment, economic analysis, alternatives assessment or other assessment or evaluation of the hazards, exposures, risks, cost and/or benefits associated with the chemical under review and any alternatives to the chemical), and
- (4) any written or electronic communications, including e-mails, and any notes, summaries or other records relating to oral or written communications between EPA staff, managers or contractors and any parties outside EPA regarding the MCAN.

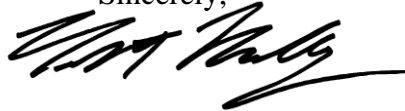
To the extent the records currently exist in electronic form, I request this information (and any other information in this request that originally or subsequently existed in electronic form) be provided to me in digital format.

***This request does not encompass any information that may be entitled to confidential treatment, or that otherwise may be exempt from disclosure under FOIA.*** For any documents or portions of documents for which you assert confidential treatment or specific exemption(s) from the requirements of the Freedom of Information Act, please identify the documents or portions of documents withheld and the reason for withholding them. *See Vaughn v. Rosen*, 484 F.2d 820 (D.C. Cir. 1973).

I request a waiver of all fees for this request. Disclosure of the requested information to me is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in my commercial interest. I am studying the operations or activities of the agency with respect to the evaluation of new microbial substances submitted under the TSCA program. Little is known to academics and to the general public regarding the specific application of TSCA requirements to the evaluation of such substances. Through publication in academic journals, blog sites and generally available reports, my analysis of the way in which the agency engages in such evaluations will inform academics, students and the general public. I have published in the area a risk analysis and specifically pesticides for some time in academic journals, online and in reports widely circulated to the public. Please advise me of any informational and other procedural requirements that you may have for this request to qualify for a fee waiver.

Pursuant to FOIA, I look forward to your response within twenty working days. If you have any questions, please do not hesitate to contact me via e-mail at [malloy@law.ucla.edu](mailto:malloy@law.ucla.edu).

Sincerely,

A handwritten signature in black ink, appearing to read "Timothy F. Malloy", with a stylized, flowing script.

Timothy F. Malloy